UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,223	05/30/2001	Doreen Lynn Galli	RSW920010033US1	8092

7590 05/16/2006

Jack Friedman, Esq.
Schmeiser Olsen and Watts
3 Lear Jet Lane
Suite 201
Latham, NY 12110

EXAMINER	
KANG, INSUN	

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/870,223
Filing Date: May 30, 2001
Appellant(s): GALLI, DOREEN LYNN

Jack P. Friedman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/29/2005 appealing from the Office action mailed 3/25/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,493,606	Osder et al.	2/1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

Claims 3-8 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

(10) Response to Argument

As an initial matter, the above grounds of rejection were set forth in the Office action mailed on 3/25/2005, and are reproduced at page 13 of this Examiner's Answer.

Per claims 1-2 (brief, page 5):

Appellant contends that Osder does not teach the feature of claim 1 (brief, page 5). Appellant specifically argues that Osder does not teach a database that contains a plurality of pre-recorded voice prompts, since Tables 3 and 5 do not contain the prompt associated with P1000. It is only at run time when MDDP procedures DYN3 and DYN4 are executed to expand the cardinal number dynamic elements <DYN3> and <DYN5>, respectively, of the prompt...to generate the prompt in accordance with the prescription of Table3....Osder does not teach that the run-time generated prompt pertaining to P1000 is stored in a database, as required by claim 1. Osder teaches only that the generated prompt is played (brief, page 6-7).

In response:

First of all, both present invention and Osder deal with an interactive voice response system and provide a method to change the voice prompts without modifying the application program that plays prompts by holding the voice prompts outside the application program. In the pertinent art, a voice prompt system contains the recorded prompts and data that define the prompts in an IVR system to play the recorded prompt over a telephone or other possible means.

Osder discloses a new prompt management system providing multiple spoken languages support without altering the functional code of the Network Application containing call flow and isolating the customization of the spoken prompts from the call flow and programmatic logic of the Network Application (Osder, col. 27 lines 27-41) by using SPIN that is used "on behalf of a Network Application to create or modify the prompts and the elements of the prompts to be played by the Network Application in a predetermined spoken language (Osder, col. 3 lines 48-51)."

A SPIN application "created on behalf of the Network Application (Osder, col. 6 lines 47-60)" "includes a collection of the prompts, elements, voice, Dynamic Element Table, and Indexed Prompt Tables (Osder, col. 6 lines 18-24)." A SPIN Application table 1 in Fig 3 lists the SPIN applications 1 to N with SPIN application Ids (identifiers) for American English, Spanish, Dutch, etc (Osder, see Fig 3). For example, the ID, "UV10AE," in column 1 identifies American English. These SPIN application IDs designate "a set of prompts and their related entities in the SPIN database and in the Voice File (Osder, col. 28 lines 30-32)." The SPIN application ID, "UV10AE" "provides a unique identifier that represents both the set of prompts that a Network Application can

play and a specific language," "American English" that the Network Application speaks (Osder, col. 28 lines 32-37). The SPIN application ID is the Network Application's sole awareness of the languages that it supports and of the pre-recorded voice elements with which it speaks these languages," Osder, col. 28 lines 30-40). According to the present invention, the value in the assignment table serves as an entry point specified by the value into the database to access pre-recorded voice prompts (the present specification page 3 paragraph 3; page 6 paragraph 1; claim 1). As clearly can be seen in Fig.3 of Osder's reference, the SPIN Id values (UV10AE, UV10SP etc in table 1) are the entry points to the pre-recorded prompt elements (Osder, col. 28 lines 30-40) "for selectively playing the prompts either in American English, Spanish ...etc (col. 8 lines 32-36)." The ID "UV10AE" points to all the pre-recorded related entities such as prompts, prompt elements, Dynamic Element Tables and Indexed Prompt Tables that are recorded and stored in a SPINDB (col. 7 lines 29-30)" to play American English. The PEP (Prompt Expansion Processor) using the designated SPIN application information expands the prompt into its static and standard/user defined dynamic elements converting the static and dynamic elements into the corresponding NAP Message Ids to play the prompt over the telephone (col. 4 lines 5-25). These static and standard/user defined dynamic elements are pre-recorded voice prompt elements in SPINDB (see fig 3; 5DA). For example, the static element, "you have" in prompt table 3 and the dynamic elements such as cardinal numbers from 0 though 99 in the dynamic element table 5 are pre-recorded prompt elements in these tables stored within SPINDB (Spin Database) (see Fig. 3 and 5DA; col. 11 lines 23-32; 40-48 and col. 19 lines 38-67

for detailed information). The corresponding dynamic data element is retrieved to be played at run time as necessary (col. 20 lines 41-57) from the dynamic element table within SPIN database that maintains the prompts (Osder, "The PRO screen 210 is used to create and maintain prompts in SPINDB," col. 19 lines 16-18).

Therefore, Appellant clearly mischaracterized Osder's reference by arguing "Osder does not teach that the run-time generated prompt pertaining to P1000 is stored in a database, as shown in Figs 2 and 3 where the SPINDB contains both static and dynamic elements of prompts. Moreover, it is noted that a database is simply a collection of data. Therefore, a simple .dat file containing two data can be considered as a database.

Appellant further contends that Osder does not teach an assignment table that assigns a value to the variable to provide an entry point to the database...Appellant argues that Osder does not disclose a table that assigns (to P1000) a pointer to Table 3, as required by claim 1.

In response, it is noted that the instant claim broadly recites, "an assignment table that assigns a value to the variable to provide an entry point to the database." The instant specification (pages 1-9) does not disclose a novel method that somewhat distinguishes the present invention from Osder. As has been addressed above, the SPIN application table assigns the values of the Ids such as UV10AE etc to point to the prompt element sets such as the tables 2-5 containing the pre-recorded prompts in SPINDB as seen in Fig 3. Therefore, Appellant clearly mischaracterized Osder's

reference by arguing that Osder does not teach an assignment table that assigns a value to the variable to provide an entry point to the database.

Accordingly, in view of the broadest reasonable interpretation given above and the broad claim language used in the instant claim, the rejection of claim 1 by Osder is considered proper and maintained.

Per claim 2:

The applicant further contends that claim 2 is allowable as being dependent on the allowable base claim 1. As shown above, the rejection of the claim 1 by Osder is considered proper and maintained, the argument that claim 2 is allowable as being dependent on the allowable base claim is considered moot. Accordingly, the rejection of claim 2 is also considered proper and maintained.

Claims 9-10:

Applellant contends that Osder does not teach "reading a database record that includes a digitally encoded voice prompt, wherein the database record is identified by the value assigned to the variable ...claim 9 requires that the prompt (which includes both the static and dynamic records) be included in a database record (i.e.., in one database record), which is logically impossible in Osder since Osder teaches the static elements and the dynamic element data are stored in different tables (i.e., in Tables 3 and 5, respectively) (brief, page 8)."

In response, claim 9 broadly recites, "reading a database record that includes a digitally encoded voice prompt." It is noted that data is stored in the form of records describing entities and their attributes. Each record consists of a collection of related data values or items. For the American English prompt in Osder, the "American English" record representing an American English entity and each field value in the record specifies some attribute of that record. The American English prompt set which is the record of American English prompt entity in Fig 3 identified by "UV10AE" includes the associated attributes such as static and dynamic elements. Therefore, the American English prompt record consists of a collection of related static and dynamic element attributes. Accordingly, Appellant clearly mischaracterized Osder's reference.

The appellant further contends that Osder does not teach, "wherein the database record is identified by the value assigned to the variable (brief, page 8).

In response, as addressed above, Osder's SPIN application table assigns the value of the SPIN application ID variable, which is the identifier for a specific language. For example, the value UV10AE is to identify the American English prompt record (Osder, Fig. 3).

Accordingly, in view of the broadest reasonable interpretation given above and the broad claim language used in the instant claim, the rejection of claim 9 by Osder is considered proper and maintained.

Per claim 10:

The applicant further contends that claim 10 is allowable as being dependent on the allowable base claim 9. As shown above, the rejection of the claim 9 by Osder is considered proper and maintained, the argument that claim 10 is allowable as being dependent on the allowable base claim is considered moot. Accordingly, the rejection of claim 9 is also considered proper and maintained.

Ground of rejection 2

Per claims 3 and 11:

Applellant asserts that Osder does not teach or suggest: the database includes a first voice prompt spoken by a first speaker and a second voice prompt spoken by a second speaker, wherein the first speaker and the second speaker are different...the Examiner has not supplied a legally persuasive argument as to why a person of ordinary skill in the art would modify Osder in relation to claims 3 and 11 (brief, page 11).

In response, it is noted that simply using a different speaker such as a female or male speaker is not patentably distinct. The specification states that vocal, dialect, or linguistic characteristics of voice prompts are to "improve customer relations in national or international scope (specification, page 2). Simply, any sound for a prompt can be used as a user wishes. Osder's prompt management system provides a capability to create and modify the prompts and the elements of the prompts to be played (col. 4 lines 1-5; "speaks a different language or dialect," "prompts spoken by a man or by a

woman," col. 28 lines 30-61). Therefore, as addressed in the previous office action, the modification of Osder is obvious for different personal preferences and purposes.

Per claims 4 and 12:

Applellant asserts that Osder does not teach or suggest: the database includes a first voice prompt spoken by a male speaker and a second voice prompt spoken by a female speaker.

In response, it is noted that simply using a different speaker such as a female or male speaker is not patentably distinct. The specification states that vocal, dialect, or linguistic characteristics of voice prompts are to "improve customer relations in national or international scope (specification, page 2). Simply, any sound for a prompt can be used as a user wishes. Osder's prompt management system provides a capability to create and modify the prompts and the elements of the prompts to be played (col. 4 lines 1-5; "speaks a different language or dialect," "prompts spoken by a man or by a woman," col. 28 lines 30-61). Therefore, as addressed in the previous office action, the modification of Osder is obvious for different personal preferences and purposes.

Per claims 5 and 13:

Applellant asserts that Osder does not teach or suggest: the database includes a first voice prompt having a first level of formality and a second voice prompt having a second level of formality, wherein the first level of formality and the second level of formality are different.

In response, it is noted that simply giving different level of formality is not patentably distinct. The specification states that vocal, dialect, or linguistic characteristics of voice prompts are to "improve customer relations in national or international scope (specification, page 2). Simply, any level of formality for a prompt can be used as a user wishes. Osder's prompt management system provides a capability to create and modify the prompts and the elements of the prompts to be played (col. 4 lines 1-5; "speaks a different language or dialect," "prompts spoken by a man or by a woman," col. 28 lines 30-61). Therefore, as addressed in the previous office action, the modification of Osder is obvious for different personal preferences and purposes.

Per claims 6 and 14:

Applellant asserts that Osder does not teach or suggest: the database includes a voice prompt that includes music.

In response, it is noted that simply using music is not patentably distinct. The specification states that vocal, dialect, or linguistic characteristics of voice prompts are to "improve customer relations in national or international scope (specification, page 2). Simply, any sound (i.e. music, animal, human voice) for a prompt can be used as a user wishes. Osder's prompt management system provides a capability to create and modify the prompts and the elements of the prompts to be played (col. 4 lines 1-5; "speaks a different language or dialect," "prompts spoken by a man or by a woman," col. 28 lines

30-61). Therefore, as addressed in the previous office action, the modification of Osder is obvious for different personal preferences and purposes.

Per claims 7 and 15:

Applellant asserts that Osder does not teach or suggest: the database includes a voice prompt that includes an audio tone.

In response, it is noted that simply using an audio tone is not patentably distinct. The specification states that vocal, dialect, or linguistic characteristics of voice prompts are to "improve customer relations in national or international scope (specification, page 2). Simply, any sound or tone for a prompt can be used as a user wishes. Osder's prompt management system provides a capability to create and modify the prompts and the elements of the prompts to be played (col. 4 lines 1-5; "speaks a different language or dialect," "prompts spoken by a man or by a woman," col. 28 lines 30-61). Therefore, as addressed in the previous office action, the modification of Osder is obvious for different personal preferences and purposes.

Per claim 8 and 16:

Applellant asserts that Osder does not teach or suggest: the database includes a first voice prompt and a second voice prompt spoken by the same speaker, wherein the first voice prompt and the second voice prompt convey the same meaning, and wherein the first voice prompt and the second voice prompt differ in wording.

In response, it is noted that simply using a different expression such as a dialect is not patentably distinct. The specification states that vocal, dialect, or linguistic characteristics of voice prompts are to "improve customer relations in national or international scope (specification, page 2). Simply, any voice wording can be used as a user wishes. Osder's prompt management system provides a capability to create and modify the prompts and the elements of the prompts to be played (col. 4 lines 1-5; "speaks a different language or dialect," "prompts spoken by a man or by a woman," col. 28 lines 30-61). Therefore, as addressed in the previous office action, the modification of Osder is obvious for different personal preferences and purposes.

The following grounds of rejection are applicable to the appealed claims and were set for the in the Office action mailed on 3/25/2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> **A person shall be entitled to a patent unless –**
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

Per claim 1:

Osder discloses:

- an application program that provides call flow instructions (i.e. "call flow and programmatic logic of the Network Application," col. 3 lines 5-15; 25-51)
- wherein a call flow instruction that invokes a voice prompt provides a variable that can be read from outside compiled code of the application program (i.e. "The invention isolates the customization of the spoken prompts from the call flow and programmatic logic of the Network Application," col. 27 lines 26-41; "The voice for the elements can be recorded through NAP and stored in the NAP voice file," col. 3 lines 48-61; col. 4 lines 20-25; col. 6 lines 11-31)
- a programmable processor that executes the call flow instructions of the application program (i.e. "Prompt Expansion Processor (PEP) to play an identified prompt in a language identified y a SPIN application ID," abstract)
- a database that contains a plurality of pre-recorded voice prompts (i.e. "storage in records in the VU database to be referenced when playing the prompts," col. 1 lines 60-64; "These prompt definitions are interactively generated by the user utilizing VU and are stored in records in the VU database," col. 2 lines 8-23; "The voice for the elements can be recorded through NAP and stored in the NAP voice file. The NAP Message Ids corresponding to the recorded voice elements are stored in a SPIN Data Base (SPINDB)," col. 3 lines 48-60; "SPIN relates the entities that it creates in the SPIN data base to a particular SPIN application," col.6 lines 11-31)

- an assignment table that assigns a value to the variable to provide an entry point to the database (i.e. "Dynamic Element Table is enhanced to support the user-defined dynamic element types...permits a Network Application to play a designed prompt...without altering the functional code of the Network Application," col. 4 lines 20-25 and 33-37; "Expand Prompts...consults the appropriate prompt table ...for the prompt mapping in the cache tables," col. 26 lines 8-22; col. 3 lines 48-60; col. 6 lines11-31) as claimed.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Osder discloses:
- the database includes a first voice prompt in a first language and a second voice prompt in a second language, wherein the first language and the second language are different (i.e. "Index Prompt Tables under three different SPIN applications...to support three different languages," col. 6 lines 33-46; lines 61-67; col. 7 lines 4-21; col. 8 lines 35-36) as claimed.

Per claim 9, it is the method version of claim 1, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above. For the limitation "digitally encoded voice prompt, (i.e. Fig 3, Fig 4A; "continued reference to FIG. 4...NAP retrieves the digitized voice corresponding to each message IM from the Voice File," col. 12 lines 1-13).

Per claim 10, it is the method version of claim 2, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 2 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

4. Claims 3-8 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osder et al. (US Patent 5,493,606) hereinafter referred to as "Osder."

Per claim 3:

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt spoken by a first speaker and a second voice prompt spoken by a second speaker, wherein the first speaker and the second speaker are different. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different voice prompts spoken by different speakers as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different purposes.

Per claim 4:

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt spoken by a male speaker and a second voice prompt spoken by a female speaker. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different voice prompts spoken by male and female speakers as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 5:

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt having a first level of formality and a second voice prompt having a second level of formality, wherein the first level of formality and the second level of formality are different. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include different level of formality of voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 6:

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a voice prompt that includes music. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include music voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 7:

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a voice prompt that includes an audio tone. However, it would have been obvious for one having ordinary skill in the art of computer software development and configuration to include audio tone of voice prompts as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claim 8:

The rejection of claim 1 is incorporated, further, Osder does not explicitly teach that the database includes a first voice prompt and a second voice prompt spoken by the same speaker, wherein the first voice prompt and the second voice prompt convey the same meaning, and wherein the first voice prompt and the second voice prompt differ in wording. However, it would have been obvious for one having ordinary skill in the art of

computer software development and configuration to include various voice prompts such as including a dialect as callers may have different preferences and purposes. The modification would be obvious because one having ordinary skill in the art would be motivated to provide callers various voice prompt options for different preferences.

Per claims 11-16, they are the method versions of claims 3-8, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 3-8 above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Insun Kang

Examiner (AU 2193)

Conferees:

Kakali Chaki, SPE 2193

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Tuan Dam, SPE 2192

TUAN DAM
SUPERVISORY PATENT EXAMINER